

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDDIE SOWELL SMITH,

Petitioner

v.

WARDEN CHILDERS,

Respondent.

Case No.: 2:23-cv-00527-GMN-VCF

Order Dismissing Petition

The court denied *pro se* 28 U.S.C. § 2254 habeas petitioner Eddie Sowell Smith's application to proceed *in forma pauperis* and directed him to pay the \$5.00 filing fee within thirty days. (ECF No. 3.) That order was served on Smith at his address of record. More than the allotted time has passed, and, while Smith filed an amended petition, he has not paid the fee or contacted the court in any manner about the fee. He was expressly advised that failure to comply with the court's order would result in the dismissal of the petition. Accordingly, the petition is dismissed without prejudice for failure to comply with this court's order to pay the filing fee.

IT IS THEREFORE ORDERED that the Clerk of Court detach and **file** the petition (**ECF No. 1-1**).

1 IT IS FURTHER ORDERED that this action is **dismissed** without prejudice as
2 set forth in this order.

3 IT IS FURTHER ORDERED that a certificate of appealability will not issue.

4 IT IS FURTHER ORDERED that the Clerk enter judgment accordingly and close
5 this case.

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7 DATED: 21 July 2023.

A handwritten signature in blue ink, appearing to read 'Gloria M. Navarro', is written over a horizontal line.

10 GLORIA M. NAVARRO
11 UNITED STATES DISTRICT JUDGE
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